

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**LESLIE E. SELTZER**  
3716 Averill Avenue  
San Pedro, CA 90731

Registered Nurse License No. 404178  
Public Health Nurse Certificate No. 53589  
Nurse Practitioner Certificate No. 9682

Respondent

Case No. 2012-746

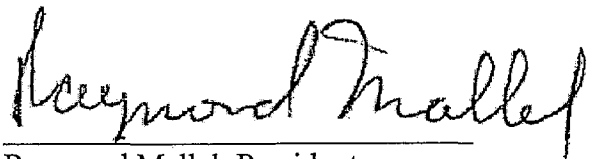
OAH No. 2012080673

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **May 3, 2013.**

IT IS SO ORDERED **April 5, 2013.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY A. SALUTE  
Supervising Deputy Attorney General  
3 M. TRAVIS PEERY  
Deputy Attorney General  
4 State Bar No. 261887  
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*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-746

11 **LESLIE E. SELTZER**  
12 3716 Averill Avenue  
San Pedro, CA 90731  
13 Registered Nurse License No. 404178  
Public Health Nurse Certificate No. 53589  
14 Nurse Practitioner Certificate No. 9682

OAH No. 2012080673

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Respondent.

16  
17  
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer  
20 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
21 which will be submitted to the Board for approval and adoption as the final disposition of the  
22 Accusation.

23 **PARTIES**

24 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
25 Registered Nursing. She brought this action solely in her official capacity and is represented in  
26 this matter by Kamala D. Harris, Attorney General of the State of California, by M. Travis Peery,  
27 Deputy Attorney General.

28 ///

2. Respondent Leslie E. Seltzer (Respondent) is represented in this proceeding by attorney Scott J. Harris, Esq., whose address is: 8383 Wilshire Blvd., Ste. 830 Beverly Hills, CA 90211.

3. On or about January 1, 1986, the Board of Registered Nursing issued Registered Nurse License No. 404178 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-746 and will expire on January 31, 2014, unless renewed.

4. On or about April 4, 1995, the Board of Registered Nursing issued Public Health Nurse Certificate No. 53589 to Respondent. The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-746 and will expire on January 31, 2014, unless renewed.

5. On or about February 13, 1998, the Board of Registered Nursing issued Nurse Practitioner Certificate No. 9682 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-746 and will expire on January 31, 2014, unless renewed.

#### JURISDICTION

6. Accusation No. 2012-746 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 15, 2012. Respondent timely filed her Notice of Defense contesting the Accusation.

7. A copy of Accusation No. 2012-746 is attached as exhibit A and incorporated herein by reference.

#### ADVISEMENT AND WAIVERS

8. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-746. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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9. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

11. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-746.

12. Respondent agrees that her Registered Nurse License, Public Health Nurse Certificate, and Nurse Practitioner Certificate are subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

13. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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14. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

#### **DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Registered Nurse License No. 404178, Public Health Nurse Certificate No. 53589, and Nurse Practitioner Certificate No. 9682, all issued to Respondent Leslie E. Seltzer (Respondent) are revoked. However, the revocations are stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

**Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with

1 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
2 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
3 more than 15 days of any address change and shall at all times maintain an active, current license  
4 status with the Board, including during any period of suspension.

5 Upon successful completion of probation, Respondent's license shall be fully restored.

6 3. **Report in Person.** Respondent, during the period of probation, shall appear in  
7 person at interviews/meetings as directed by the Board or its designated representatives.

8 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
9 practice as a registered nurse outside of California shall not apply toward a reduction of this  
10 probation time period. Respondent's probation is tolled, if and when she resides outside of  
11 California. Respondent must provide written notice to the Board within 15 days of any change of  
12 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
13 returning to practice in this state.

14 Respondent shall provide a list of all states and territories where she has ever been licensed  
15 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
16 information regarding the status of each license and any changes in such license status during the  
17 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
18 license during the term of probation.

19 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit  
20 or cause to be submitted such written reports/declarations and verification of actions under  
21 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
22 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
23 Respondent shall immediately execute all release of information forms as may be required by the  
24 Board or its representatives.

25 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
26 state and territory in which she has a registered nurse license.

27 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall  
28 engage in the practice of registered nursing in California for a minimum of 24 hours per week for

1 6 consecutive months or as determined by the Board.

2 For purposes of compliance with the section, "engage in the practice of registered nursing"  
3 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
4 non-direct patient care position that requires licensure as a registered nurse.

5 The Board may require that advanced practice nurses engage in advanced practice nursing  
6 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

7 If Respondent has not complied with this condition during the probationary term, and  
8 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
9 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
10 extension of Respondent's probation period up to one year without further hearing in order to  
11 comply with this condition. During the one year extension, all original conditions of probation  
12 shall apply.

13 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
14 prior approval from the Board before commencing or continuing any employment, paid or  
15 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
16 performance evaluations and other employment related reports as a registered nurse upon request  
17 of the Board.

18 Respondent shall provide a copy of this Decision to her employer and immediate  
19 supervisors prior to commencement of any nursing or other health care related employment.

20 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
21 (72) hours after she obtains any nursing or other health care related employment. Respondent  
22 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
23 separated, regardless of cause, from any nursing, or other health care related employment with a  
24 full explanation of the circumstances surrounding the termination or separation.

25 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
26 Respondent's level of supervision and/or collaboration before commencing or continuing any  
27 employment as a registered nurse, or education and training that includes patient care.

28 Respondent shall practice only under the direct supervision of a registered nurse in good

standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

**9. Employment Limitations.** Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.



1 Respondent shall not work as a faculty member in an approved school of nursing or as an  
2 instructor in a Board approved continuing education program.

3 Respondent shall work only on a regularly assigned, identified and predetermined  
4 worksite(s) and shall not work in a float capacity.

5 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
6 request documentation to determine whether there should be restrictions on the hours of work.

7 **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and  
8 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
9 months prior to the end of her probationary term.

10 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
11 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
12 above required course(s). The Board shall return the original documents to Respondent after  
13 photocopying them for its records.

14 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with its  
15 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
16 amount of \$3,844.00. Respondent shall be permitted to pay these costs in a payment plan  
17 approved by the Board, with payments to be completed no later than three months prior to the end  
18 of the probation term.

19 If Respondent has not complied with this condition during the probationary term, and  
20 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
21 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
22 extension of Respondent's probation period up to one year without further hearing in order to  
23 comply with this condition. During the one year extension, all original conditions of probation  
24 will apply.

25 **12. Violation of Probation.** If Respondent violates the conditions of her probation, the  
26 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
27 and impose the stayed discipline (revocation/suspension) of Respondent's license.

28 If during the period of probation, an accusation or petition to revoke probation has been

1 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
2 an accusation or petition to revoke probation against Respondent's license, the probationary  
3 period shall automatically be extended and shall not expire until the accusation or petition has  
4 been acted upon by the Board.

5 13. **License Surrender.** During Respondent's term of probation, if she ceases practicing  
6 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
7 Respondent may surrender her license to the Board. The Board reserves the right to evaluate  
8 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
9 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
10 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
11 subject to the conditions of probation.

12 Surrender of Respondent's license shall be considered a disciplinary action and shall  
13 become a part of Respondent's license history with the Board. A registered nurse whose license  
14 has been surrendered may petition the Board for reinstatement no sooner than the following  
15 minimum periods from the effective date of the disciplinary decision:

16 (1) Two years for reinstatement of a license that was surrendered for any reason other  
17 than a mental or physical illness; or

18 (2) One year for a license surrendered for a mental or physical illness.

19 14. **Physical Examination.** Within 45 days of the effective date of this Decision,  
20 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician  
21 assistant, who is approved by the Board before the assessment is performed, submit an  
22 assessment of the Respondent's physical condition and capability to perform the duties of a  
23 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
24 medically determined, a recommended treatment program will be instituted and followed by the  
25 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
26 to the Board on forms provided by the Board.

27 If Respondent is determined to be unable to practice safely as a registered nurse, the  
28 licensed physician, nurse practitioner, or physician assistant making this determination shall

1 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
2 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
3 immediately cease practice and shall not resume practice until notified by the Board. During this  
4 period of suspension, Respondent shall not engage in any practice for which a license issued by  
5 the Board is required until the Board has notified Respondent that a medical determination  
6 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
7 of this probationary time period.

8 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
9 requirement, Respondent shall immediately cease practice and shall not resume practice until  
10 notified by the Board. This period of suspension will not apply to the reduction of this  
11 probationary time period. The Board may waive or postpone this suspension only if significant,  
12 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
13 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
14 Only one such waiver or extension may be permitted.

15 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**  
16 Respondent, at her expense, shall successfully complete during the probationary period or shall  
17 have successfully completed prior to commencement of probation a Board-approved  
18 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
19 submitted by the program on forms provided by the Board. If Respondent has not completed a  
20 Board-approved treatment/rehabilitation program prior to commencement of probation,  
21 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
22 If a program is not successfully completed within the first nine months of probation, the Board  
23 shall consider Respondent in violation of probation.

24 Based on Board recommendation, each week Respondent shall be required to attend at least  
25 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
26 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
27 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
28 added. Respondent shall submit dated and signed documentation confirming such attendance to

1 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
2 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
3 and/or other ongoing recovery groups.

4       **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
5 completely abstain from the possession, injection or consumption by any route of all controlled  
6 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same  
7 are ordered by a health care professional legally authorized to do so as part of documented  
8 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
9 days, by the prescribing health professional, a report identifying the medication, dosage, the date  
10 the medication was prescribed, the Respondent's prognosis, the date the medication will no  
11 longer be required, and the effect on the recovery plan, if appropriate.

12       Respondent shall identify for the Board a single physician, nurse practitioner or physician  
13 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
14 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
15 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
16 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
17 considered addictive have been prescribed, the report shall identify a program for the time limited  
18 use of any such substances.

19       The Board may require the single coordinating physician, nurse practitioner, or physician  
20 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
21 medicine.

22       **17. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a  
23 random, biological fluid testing or a drug screening program which the Board approves. The  
24 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
25 for keeping the Board informed of Respondent's current telephone number at all times.  
26 Respondent shall also ensure that messages may be left at the telephone number when she is not  
27 available and ensure that reports are submitted directly by the testing agency to the Board, as  
28 directed. Any confirmed positive finding shall be reported immediately to the Board by the

1 program and Respondent shall be considered in violation of probation.

2 In addition, Respondent, at any time during the period of probation, shall fully cooperate  
3 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
4 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
5 hypnotics, dangerous drugs, or other controlled substances.

6 If Respondent has a positive drug screen for any substance not legally authorized and not  
7 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
8 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
9 practice pending the final decision on the petition to revoke probation or the accusation. This  
10 period of suspension will not apply to the reduction of this probationary time period.

11 If Respondent fails to participate in a random, biological fluid testing or drug screening  
12 program within the specified time frame, Respondent shall immediately cease practice and shall  
13 not resume practice until notified by the Board. After taking into account documented evidence  
14 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
15 suspend Respondent from practice pending the final decision on the petition to revoke probation  
16 or the accusation. This period of suspension will not apply to the reduction of this probationary  
17 time period.

18 **18. Mental Health Examination.** Respondent shall, within 45 days of the effective date  
19 of this Decision, have a mental health examination including psychological testing as appropriate  
20 to determine her capability to perform the duties of a registered nurse. The examination will be  
21 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
22 the Board. The examining mental health practitioner will submit a written report of that  
23 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
24 Recommendations for treatment, therapy or counseling made as a result of the mental health  
25 examination will be instituted and followed by Respondent.

26 If Respondent is determined to be unable to practice safely as a registered nurse, the  
27 licensed mental health care practitioner making this determination shall immediately notify the  
28 Board and Respondent by telephone, and the Board shall request that the Attorney General's

1 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
2 practice and may not resume practice until notified by the Board. During this period of  
3 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
4 is required, until the Board has notified Respondent that a mental health determination permits  
5 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
6 probationary time period.

7 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
8 requirement, Respondent shall immediately cease practice and shall not resume practice until  
9 notified by the Board. This period of suspension will not apply to the reduction of this  
10 probationary time period. The Board may waive or postpone this suspension only if significant,  
11 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
12 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
13 Only one such waiver or extension may be permitted.

14 19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in  
15 an on-going counseling program until such time as the Board releases her from this requirement  
16 and only upon the recommendation of the counselor. Written progress reports from the counselor  
17 will be required at various intervals.

18 ACCEPTANCE

19 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
20 discussed it with my attorney, Scott J. Harris, Esq. I understand the stipulation and the effect it  
21 will have on my Registered Nurse License, and Public Health Nurse Certificate, and Nurse  
22 Practitioner Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,  
23 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of  
24 Registered Nursing.

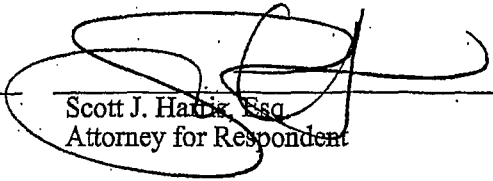
25  
26 DATED: 1/29/2013

27 LESLIE E. SELTZER  
28 Respondent

///

1 I have read and fully discussed with Respondent Leslie E. Seltzer the terms and conditions  
2 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
3 its form and content.

4  
5 DATED: JAN 30, 2013

  
6 Scott J. Harris, Esq.  
7 Attorney for Respondent


8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
10 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
11 Affairs.

12 Dated: 1/31/13

13 Respectfully submitted,

14 KAMALA D. HARRIS  
15 Attorney General of California  
16 GREGORY A. SALUTE  
17 Supervising Deputy Attorney General

  
18 M. TRAVIS PEERY  
19 Deputy Attorney General  
20 *Attorneys for Complainant*

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## **Exhibit A**

**Accusation No. 2012-746**



1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 M. TRAVIS PEERY  
Deputy Attorney General  
4 State Bar No. 261887  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-0962  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2012-746**

12 **LESLIE E. SELTZER**  
3716 Averill Avenue  
13 San Pedro, CA 90731

**ACCUSATION**

14 Registered Nurse License No. 404178  
Public Health Nurse Certificate No. 53589  
15 Nurse Practitioner Certificate No. 9682  
Nurse Practitioner Furnisher Certificate No. 9682

16 Respondent.  
17

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
23 of Consumer Affairs (Board).

24 **License Histories**

25 **Registered Nurse License**

26 2. On or about August 31, 1986, the Board issued Registered Nurse License No. 404178  
27 to Leslie E. Seltzer (Respondent). The Registered Nurse License was in full force and effect at all  
28 times relevant to the charges brought herein and will expire on January 31, 2014, unless renewed.

1       Public Health Nurse Certificate

2       3.     On or about April 4, 1995, the Board issued Public Health Nurse Certificate No.  
3     53589 to Respondent. The Public Health Nurse Certificate was in full force and effect at all times  
4     relevant to the charges brought herein and will expire on January 31, 2014, unless renewed.

5       Nurse Practitioner Certificate

6       4.     On or about February 13, 1998, the Board issued Nurse Practitioner Certificate No.  
7     9682 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times  
8     relevant to the charges brought herein and will expire on January 31, 2014, unless renewed.

9       Nurse Practitioner Furnisher Certificate

10      5.     On or about November 1, 1999, the Board issued Nurse Practitioner Furnisher  
11     Certificate No. 9682 to Respondent. The Nurse Practitioner Certificate was in full force and  
12     effect at all times relevant to the charges brought herein and will expire on January 31, 2014,  
13     unless renewed.

14                               **JURISDICTION**

15      6.     This Accusation is brought before the Board under the authority of the following  
16     laws. All section references are to the Business and Professions Code unless otherwise indicated.

17                               **STATUTORY PROVISIONS**

18      7.     Section 118, subdivision (b), provides that the suspension, expiration, surrender or  
19     cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
20     action during the period within which the license may be renewed, restored, reissued or  
21     reinstated.

22      8.     Section 490 provides that a board may suspend or revoke a license on the ground that  
23     the licensee has been convicted of a crime substantially related to the qualifications, functions, or  
24     duties of the business or profession for which the license was issued.

25      9.     Section 2750 provides that the Board may discipline any licensee, including a  
26     licensee holding a temporary or an inactive license, for any reason provided in Article 3  
27     (commencing with section 2750) of the Nursing Practice Act.

28     ///

1        10. Section 2761 states, in pertinent part:

2        "The board may take disciplinary action against a certified or licensed nurse or deny an  
3 application for a certificate or license for any of the following:

4        "(a) Unprofessional conduct, which includes, but is not limited to, the following:

5        ....

6        "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
7 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice  
8 Act] or regulations adopted pursuant to it.

9        ....

10        "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
11 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
12 conclusive evidence thereof. . . ."

13        11. Section 2762 states:

14        "In addition to other acts constituting unprofessional conduct within the meaning of this  
15 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
16 chapter to do any of the following:

17        ....

18        "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
19 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
20 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
21 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
22 ability to conduct with safety to the public the practice authorized by his or her license.

23        "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
24 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
25 or the possession of, or falsification of a record pertaining to, the substances described in  
26 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
27 thereof. . . ."

28        ///

1 12. Section 2764 provides that the expiration of a license shall not deprive the Board of  
2 jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision  
3 imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an  
4 expired license at any time within eight (8) years after the expiration.

5 **REGULATORY PROVISION**

6 13. California Code of Regulations, title 16, section 1444 states, in pertinent part:

7 "A conviction or act shall be considered to be substantially related to the qualifications,  
8 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
9 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
10 safety, or welfare. . . ."

11 **COST RECOVERY**

12 14. Section 125.3 provides that the Board may request the administrative law judge to  
13 direct a licensee found to have committed a violation or violations of the licensing act to pay a  
14 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Convictions of Substantially Related Crimes)**

17 15. Respondent is subject to disciplinary action under sections 490 and 2761,  
18 subdivision (f), in that Respondent was convicted of crimes substantially related to the  
19 qualifications, functions or duties of a registered nurse which to a substantial degree evidences  
20 her present or potential unfitness to practice in a manner consistent with the public health, safety,  
21 or welfare, as follows:

22 a. On or about April 25, 2011, after pleading nolo contendere, Respondent was  
23 convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [drive while  
24 having an equal to or greater than 0.08% blood alcohol content (BAC)] in the criminal proceeding  
25 entitled *The People of the State of California v. Leslie Seltzer* (Super. Ct. Los Angeles County,  
26 2010, No. 0LT04834). The Court sentenced Respondent to thirty (30) days jail, placed her on  
27 five (5) years probation and ordered her to complete an 18-month Second Offender Alcohol  
28 Program.

b. The circumstances underlying the conviction are that on or about November 21, 2010, while under the influence of a tested 0.18/0.18% BAC, drove her car into a parked vehicle.

c. On or about April 12, 2010, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [drive while having an equal to or greater than 0.08% BAC, to wit, 0.11%] in the criminal proceeding entitled *The People of the State of California v. Leslie E. Seltzer* (Super. Ct. Los Angeles County, 2010, No. 0VY01623). The Court sentenced Respondent to 13 days jail, placed her on 36 months probation, and ordered her to complete a 3-month First Offender Alcohol Program.

d. The circumstances underlying the conviction are that on or about March 21, 2010, Respondent drove her vehicle while under the influence of alcohol. Respondent's tested blood alcohol was 0.11%.

## SECOND CAUSE FOR DISCIPLINE

**(Alcohol Related Crimes)**

16. Respondent is subject to disciplinary action under sections 2761, subdivision (a), and 2762, subdivision (c), on the grounds of unprofessional conduct, in that on or about April 12, 2010, and April 25, 2011, Respondent was convicted of crimes involving the consumption of alcoholic beverages. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 15, subparagraphs a – d, inclusive, as though set forth fully.

### THIRD CAUSE FOR DISCIPLINE

**(Dangerous Use of Alcohol)**

17. Respondent is subject to disciplinary action under sections 2761, subdivision (a), and 2762, subdivision (b), on the grounds of unprofessional conduct, in that on or about March 21, 2010, and November 21, 2010, Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to herself or others. Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 15 and 16, inclusive, as though set forth fully.

///

///

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct / Violate Nursing Practice Act)**

3 18. Respondent is subject to disciplinary action under sections 2761, subdivisions (a) and  
4 / or (d), in that Respondent committed acts of unprofessional conduct, and / or acts violating the  
5 Nursing Practice Act. Complainant refers to and by this reference incorporates the allegations set  
6 forth above in paragraphs 15 - 17, inclusive, as though set forth fully.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board issue a decision:

- 10 1. Revoking or suspending Registered Nurse License No. 404178, issued to Leslie E.  
11 Seltzer;
- 12 2. Revoking or suspending Public Health Nurse Certificate No. 53589, issued to Leslie  
13 E. Seltzer;
- 14 3. Revoking or suspending Nurse Practitioner Certificate No. 9682, issued to Leslie E.  
15 Seltzer;
- 16 4. Revoking or suspending Nurse Practitioner Furnisher Certificate No. 9682, issued to  
17 Leslie E. Seltzer;
- 18 5. Ordering Leslie E. Seltzer to pay the Board the reasonable costs of the investigation  
19 and enforcement of this case, pursuant to section 125.3; and
- 20 6. Taking such other and further action as deemed necessary and proper.
- 21  
22

23 DATED: June 15, 2012

24 Louise R. Bailey  
LOUISE R. BAILEY, M.ED., RN  
25 Interim Executive Officer  
26 Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
27 Complainant

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